

Claimant testified that on March 1, 1995 he worked bent over a table for several hours cutting glass and began having a tightness in his low back after he got off work that evening. He testified that he was not able to work on Thursday, March 2, or Friday, March 3. Claimant further testified that he called in and talked with Mike Harrow on those days and advised him he thought he had pulled something in his back at work. On March 3, he called in again and advised that he needed to be on sick leave.

Respondent asserts that claimant has given a history of injury moving a box for his mother on the next Saturday. Claimant testifies that he did pick up a box of dishes, but did not move it far. He did not attribute any additional injury or pain to this incident. From claimant's testimony, which the Administrative Law Judge had the opportunity to observe, the Appeals Board finds claimant has sustained his burden of showing that he suffered an accidental injury arising out of and in the course of his employment.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Order of Administrative Law Judge John D. Clark dated May 9, 1995 should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of August, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Dale V. Slape, Wichita, Kansas  
Edward D. Heath, Jr., Wichita, Kansas  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director